

REMARKS

Claims 22-42 remain in the present application. The Examiner has acknowledged that claims 31, 32, 38 and 41 are directed to allowable subject matter.

In the Office Action dated August 26, 2004, the Examiner rejected, in particular, independent claims 22 and 37 of the present application under 35 U.S.C. §103(a) as being unpatentable over Kawan (U.S. Patent No. 6,442,532) in view of Terranova (U.S. Patent No. 6,098,879) and further in view of Rosen (U.S. Patent No. 5,953,423). For the following reasons, Applicants respectfully traverse the Examiner's rejection and respectfully request the withdrawal thereof.

First of all, the Examiner has again reiterated his position that Kawan discloses "asking a user, at the mobile radio device, for confirmation for the payment" (see Col. 8, lines 28-30). However, the actual passage reads "the user accepts the transaction and amount of the purchase entered by the merchant by entering the user's PIN." Thus, the user merely accepts a transaction at a particular smartcard terminal which is the same smartcard terminal at which the associated merchant entered the transaction. Applicants respectfully submit that nowhere in Kawan is it taught or suggested to transmit data from a telecommunication station to a mobile radio device and to ask the user at the mobile radio device for payment confirmation.

The Examiner then acknowledged that the Kawan reference does not explicitly disclose initiating a payment operation, via the mobile radio device, by transmitting payment instruction data upon the confirmation for the payment. However, the Examiner turned to the Terranova reference (Col. 31, lines 23-29) for support in the disclosure of such element. Applicants respectfully submit that the cited passage actually reads, "with the embodiments requiring second indicia from the same or separate transponder for authentication or authorization, the transponder is adapted to bi-directionally communicate with the dispenser, which further communicates with a host network 94 in cooperation with the central control system 50 to provide secure authorization of the transponders and to enable transactions." Clearly, the fuel dispensing system as disclosed by Terranova is limited to such bi-directional communication as is also the case with Kawan. Terranova does not teach or suggest, nor even contemplate, the

claimed method which includes communication between a base communication station (merchant), a mobile radio device (purchaser), and a telecommunication device (financial institution).

Lastly, the Examiner acknowledged that neither the Kawan nor Terranova references teach or suggest transmitting payment instruction data upon confirmation of the payment to a telecommunications device of one of a financial institution and a bill issuer. However, the Examiner went on to state that "Rosen discloses transmitting payment instruction data upon confirmation of the payment to a telecommunications device of one of a financial institution and a bill issuer (Figure 15A)." Applicants respectfully submit that while Rosen does disclose the transmission, generally, of a acknowledgement, such process is effected in an altogether different system than the claimed invention. Indeed, nowhere in the Rosen reference is it considered to employ communication between a base communication station (merchant), a mobile radio device (purchaser), and a telecommunication device (financial institution).

Moreover, Applicants respectfully submit that a person skilled in this field of art would have absolutely no motivation to combine the three cited references given that Kawan is directed to a wireless transaction and information system, Terranova is directed to a fuel dispensing system providing customer preferences, and Rosen is directed to a standard electronic-monetary transaction system.

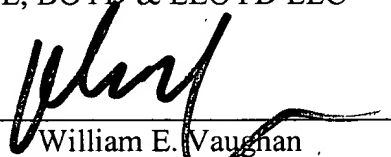
In light of the above, Applicants respectfully submit that independent claims 22 and 37 of the present application, as well as claims 23-36 and 38-42 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is further acknowledged that a one-month extension of time of \$120.00 is due in connection with this response at this time. If any additional fees are due in connection with this Application as a whole, the office is hereby authorized to deduct said fees from deposit account number 02-1818. If such a deduction is made, please indicate the Attorney Docket No. (0112740-194) on the account statement.

Respectfully submitted,

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